

EXHIBIT A

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

Juan Vargas,

Plaintiff,

Vs.

Case No. 21-
Hon.

-NI

Dennis Anthony Haymans and
Arnold Brothers Transport Ltd.,

Defendants.

The Sam Bernstein Law Firm
Attorneys for Plaintiff
By: Leonard E. Miller (P35114)
31731 Northwestern Highway, Suite 333
Farmington Hills, Michigan 48334
(248) 538-5920; (248) 737-4392 fax
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COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

NOW COME the Plaintiff, Juan Vargas, by and through his attorneys, The Sam Bernstein Law Firm, by Leonard E. Miller, and for his causes of action against the Defendants, Dennis Anthony Haymans and Arnold Brothers Transport Ltd., and respectfully shows unto this Honorable Court as follows:

THE
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LIABILITY COMPANY

JURISDICTIONAL AVERMENTS

1. That the Plaintiff, Juan Vargas, is a resident of the City of Southgate, County of Wayne, State of Michigan.
2. That the Defendant, DENNIS ANTHONY HAYMANS, is a resident of City of Winnipeg, Province of Manitoba, Country of Canada.
3. That Defendant, Arnold Brothers Transport Ltd., is a foreign corporation with its primary place of business located at 739 Lagimodiere Blvd., Winnipeg, Manitoba, R2J0T8, and which conducts trucking and transportation business in the County of Wayne, State of Michigan.
4. That Defendant, Arnold Brothers Transport Ltd., was, at all times relevant hereto, the employer of Defendant, Dennis Anthony Haymans, who was in the course and scope of his employment with Defendant, Arnold Brothers Transport Ltd., who was the owner/lessor of the 2020 Freightliner TR, Manitoba license plate number PEA507, on the date and time of the at issue motor vehicle accident on July 24, 2020.
5. That all the acts, transactions and occurrences arose in the, County of Wayne, State of Michigan.
6. That both Defendants, Dennis Haymans and Arnold Brothers Transportation Ltd. Are subject to the jurisdiction of this court via Michigan's Long Arm Statute, the Geneva Convention and service through the attorney general for the Province of Manitoba, Canada.
7. That both venue and jurisdiction are properly before this court.
8. That the amount in controversy in this litigation exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

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COUNT I
THIRD PARTY AUTO NEGLIGENCE, OWNERS LIABILITY,
EMPLOYER'S LIABILITY/RESPONDEAT SUPERIOR

9. That Plaintiff, Juan Vargas, hereby adopts and incorporates by reference each and every allegation contained in paragraphs 1-8 of this Complaint as if more specifically set forth herein, word for word and paragraph by paragraph.

10. That on July 24, 2020, your Plaintiff, Juan Vargas, was the driver of a 2015 Chevrolet Malibu motor vehicle bearing the Michigan 2020 license plate number CHV2477, which motor vehicle was being operated in careful and prudent manner, in an easterly direction along and upon I-94, at or near its intersection with Van Dyke, in the County of Wayne, State of Michigan.

11. That at the aforementioned place and time, the Defendant, Dennis Anthony Haymans, was the operator of a 2020 Freightliner motor vehicle, Manitoba, Canada 2020 license plate number PEA-507, which motor vehicle said Defendant, Dennis Anthony Haymans, was driving in a careless, reckless and negligent manner in an easterly direction along and upon I-94, at or near its intersection with Van Dyke, in the County of Wayne, when said Defendants' vehicle did negligently change lanes, and twice collide with the motor vehicle being operated by your Plaintiff, Juan Vargas, causing serious and permanent injuries to your Plaintiff as hereinafter alleged.

12. That it then and there became and was the duty of the Defendant, Dennis Anthony Haymans, to drive said motor vehicle with due care and caution in accordance with the statutes of the State of Michigan and the rules of the common law applicable to the operation of motor vehicles, but that notwithstanding said duties, your Defendant, Dennis Anthony Haymans, did breach and violate the same in one or more of the following particulars:

- (a) Driving said motor vehicle- on the highway at a speed greater than would permit him to bring it to a stop within the assured clear distance ahead, contrary to the provisions of MSA 9.2327;
- (b) Driving at an excessive and unlawful speed;
- (c) Failing to drive said motor vehicle on the highway at a careful and prudent speed, not greater than was reasonable and proper, having due regard to the traffic, surface and width of the highway and other conditions then and there existing as required by MSA 9.2327;
- (d) Failing to keep proper or any lookout for traffic when Defendant knew or should have known that such failure would endanger the life and limb of other persons along and upon said highway;
- (e) Failing to keep his vehicle in a straight path of travel and not change its direction without first having ascertained that a change of path could be accomplished without interfering with other motor vehicles having the right of way, otherwise known as improper lane useage,
- (f) Changing lanes without first having ascertained that said lane change could be accomplished without interfering with or striking vehicles in the lane into which Defendant intended to enter,
- (g) In otherwise negligently failing to exert that degree of care, caution, diligence and prudence as would be demonstrated by a reasonably prudent person under the same or similar circumstances and in otherwise causing the injuries and damages to your Plaintiff as hereinafter alleged; and
- (h) In other manners as yet unknown to Plaintiff but which will become known during the course of discovery.

13. That Defendants, Arnold Brothers Transport Ltd., is vicariously liable for the negligent acts and/or omissions of the Defendant, Dennis Anthony Haymans, their, employee acting in the scope of his employment as stated herein and by virtue of the terms of the applicable Michigan Owners Liability Statute and Michigan law.

14. That as a direct and proximate result of the negligent acts and/or omissions on the part of the Defendant, Dennis Anthony Haymans, your Plaintiff, Juan Vargas, was caused and

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will be caused in the future to suffer with severe, grievous and permanent personal injuries, disability, damages, serious impairments of important body functions and permanent, serious disfigurements, the full extent and character of which are currently unknown but, which will include but, are not necessarily limited to the following:

- (a) Torn rotator cuff; with torn biceps tendon
- (b) Cervical and lumbar spinal and disc injury;
- (c) Injury to his head, neck, back, jaw, spine, disks, upper and/or lower extremities;
- (d) cubital tunnel syndrome
- (e) Closed head injury with memory impairment;
- (f) Serious and permanent scarring and disfigurement;
- (g) Surgical release of the right ulnar nerve;
- (h) Aggravation and exacerbation of pre-existing spinal conditions;
- (f) Any and all other manners of internal and external injuries;

15. That as a direct and proximate cause of the negligent conduct of Defendant Dennis Anthony Haymans, your Plaintiff, Juan Vargas, has suffered damages including but not limited to the following elements:

- (a) Fright, shock, pain, suffering, discomfort, disability, and extreme physical and emotional suffering;
- (b) Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- (c) Loss of the natural enjoyments of life; and
- (d) Lost earnings in excess of the amounts and time periods covered under the Michigan's No-Fault Statutes;
- (e) Any other elements of damage which may become known during the course of this litigation and allowable under Michigan law.

16. That as a direct and proximate result of the negligence, and or gross negligence and unlawful conduct of Defendant Dennis Anthony Haymans, your Plaintiff, Juan Vargas has been required to undergo various and certain medical and operative procedures and will be required to undergo like treatment in the future.

WHEREFORE, Plaintiff, Juan Vargas, prays that this Honorable Court award him damages against the Defendants, Dennis Anthony Haymans and Arnold Brothers Transport Ltd., in whatever amount to which he is found to be entitled to receive, together with costs, interest and attorney fees.

THE SAM BERNSTEIN LAW FIRM

/s/ Leonard E. Miller

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Dated: October 11, 2021

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JURY DEMAND

NOW COMES the Plaintiff, Juan Vargas, by and through his attorneys, The Sam Bernstein Law Firm, by Leonard E. Miller, and hereby respectfully requests a trial by jury in the above-entitled cause of action.

THE SAM BERNSTEIN LAW FIRM

/s/ Leonard E. Miller

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